

Appl. No. 10/615,314

Attorney Docket No. 8627-233
(PA-5246-RFB/DIV)**II. Remarks**

The Applicant thanks the Examiner for discussing this present application on March 14, 2005.

Claims 35 and 37 are rejected and pending. Moreover, the drawings have been objected as failing to comply with 37 C.F.R. 1.84(p)(5). With the remarks provided below, the Applicant respectfully requests a withdrawal and reconsideration of all objections and rejections.

Objections to Drawings

In paragraph 2 of the Office action, the Examiner objects to the drawings under 37 C.F.R. § 1.84(p)(5) for not including the reference numeral 210. However, after discussions with the Examiner on March 14, 2005, it was acknowledged that the objection was made in error. Thus, no amendment to the drawings is necessary.

Rejection Under 35 U.S.C. § 102

Responsive to the rejection of claim 37 under 35 U.S.C. § 102(e) as being anticipated by *Gerdts* (U.S. patent No. 6,689,120), *Gerdts* does not teach each and every element as recited in claim 37 of the present application. For example, claim 37 recites "a pusher member arranged in the lumen of said delivery device to cause relative axial movement of the self-expandable prosthesis with respect to the delivery device." In the Office action, the Examiner states that *Gerdts* teaches "a pusher member (34) arranged in the lumen of the delivery device." To the contrary, reference numeral 34 of *Gerdts* refers to "an inner catheter 34" which is contained in the lumen and is moveable axially relative to the outer catheter. Column 4, lines 56-57. "Inner catheter 34 extends lengthwise substantially along the entire length of the outer catheter." Column 4, lines 58-59. It is clear that the inner catheter 34 of *Gerdts* is not a pusher member as recited in claim 37 of the present application. Thus, *Gerdts* does not teach each and every element as recited in claim 37 of the present application.

Responsive to the rejection of claim 35 under 35 U.S.C. § 103(a), *Gerdts* does not teach or suggest each and every element as recited in claim 35. As stated

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above, claim 35 recites "at least one central member for coaxial advancement through said lumen." (emphasis added) Again, *Gerdtz* teaches an inner catheter 34 to which the Examiner equates as the at least one central member of claim 35 of the present application. Moreover, *Gerdtz* provides no motivation to modify the wire pitch angle of *gerdtz* to have a pitch angle in the range of 26° to 73° as recited in claim 35 of the present application. Thus, the Applicant respectfully requests reconsideration and a withdrawal of the rejection.

Thus, claims 35 and 37 are in a condition for allowance and such action is earnestly solicited.

Respectfully submitted,

March 15, 2005
DateLawrence G. Almeda (Reg. No. 46,151)